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doing nothing so much as to remake the fundamental conceptions of law; and the noble effort of Saleilles, particularly his great treatise on obligation, points the way to the kind of synthesis that is demanded.

Professor Lévy-Ullman has written what is the introduction to a series of volumes on the nature of jurisprudence. He has rightly understood that the first task in that work is the definition of law. What he has done in the present volume is to pass in critical review the various theories that today hold the field, to demonstrate what appears in them to be inadequate, and then to suggest a definition of his own. Much of this critical work is admirably done. It is always clear and straightforward. It shows at every point wide reading, and a real power of presenting the facts at issue. Particularly effective is the criticism of the sociological school of jurisprudence as represented by philosophers like M. Gaston Richard, and lawyers like M. Tanon. It may, indeed, be doubted whether the work of either in fact possesses the importance attached to it; just as it is legitimate to doubt whether the exercises in civilian logic even of such able men as Aubry and Planiol really go to the root of the matter. It is only with the realistic studies of Geny and Duguit that French lawyers began adequately to realize that the sources of law might be found outside the Civil Code.

But the real complaint against this volume is its total neglect of German work. I do not for one moment doubt that nothing in Germany surpasses the admirable efforts of men like Duguit and Geny and Saleilles; but no one can seriously attempt the study of philosophical jurisprudence and neglect the work of Stammler and Kantorowicz, of Ehrlich and of Gierke. I would hazard the opinion that Ehrlich's discussion of the sociological basis of law is a book that, in the perspective of time, will take its place on the same shelf that we reserve for Montesquieu and Maitland. Not even the war can destroy the comity of science; and M. Geny admirably realized that in the noble essays on Kohler and Stammler and Cathrein which stand at the forefront of the second volume of his "*Science et Technique*." And, similarly, however much one may sympathize with the contents of his last two pages, it is surely out of place in a scientific discussion of law.

M. Lévy-Ullman's own definition of law seems to me less happy than his criticisms. "Law," he says, on page 146, "is the delimitation of what it is permitted either to do or to refrain from doing, without incurring condemnation or penalty." It is a piece of admirable caution, but it surely neglects the fundamental interests involved. It tells us nothing as to the source of law. It does not say what body is to condemn or penalize. Would M. Lévy-Ullman regard a resolution of condemnation passed by a Ladies' Dorcas Society upon an erring sister as an act of law? Or does he limit the path of law to the action of the courts? It is, of course, impossible to do justice to this volume until we have seen what is to follow. But the hope may be expressed that M. Lévy-Ullman will realize the need for dealing with the legal thought of countries other than his own, and of following out the implications of his theory into the vast field that it lays open before him. H. J. L.

THE QUESTION OF THE BOSPHORUS AND DARDANELLES. By Coleman Phillipson and Noel Buxton. London: Stevens and Haynes.

To say as we may that a book is "timely" is one way to cover a multitude of sins. The present volume, however, suffers not so much from a multitude of sins as from a lack of any particular virtues. It is a short study of a very important question, yet it might well have been shorter. Apart from the physical consideration of the thick paper, fine large print, generous margins,

and most luxurious space for the index, which make a small book look like a large one, there is much in it that might have been omitted. For instance, the larger half, the historical portion, would have been profitably curtailed if the authors had kept closer to their subject, the Question of the Straits, and had not attempted a sketch of the whole Eastern Question. Such a thing is hard to do well, and it has not been done well here. To be sure, it has been done conscientiously, with frequent reference to reassuring authorities like Herstlet's map of Europe and the Cambridge Modern History, and there are few slips in ordinary detail; but the story as told is neither clear nor illuminating, and it would have been more readable if the texts of treaties had been put together in an appendix. An annoying fault is that the quotations from French sources, which make up much of the work, are given even from the same volume, sometimes in translation, sometimes in the original.

Part III, "Reconstruction," is where the authors have their chance to add something of their own. First, they offer us a little more history mixed with discussion, then suggestions from miscellaneous writers, and in the last chapter of all we have their own view, "Which is the best solution?" Their answer is "Internationalization." Perhaps they are right, provided the Turks can be eliminated, which is not yet certain; but this solution to be successful will demand a great deal of careful thinking and planning. It may be that "to bring about the coöperation of states in this or that undertaking is to promote the habit of association;" (some cynics might cite the "coöperation" of Russia, Austria, and Prussia in the partitions of Poland as having promoted "the habit of association" between them), but rhetorical generalities are not enough here. The advantages of internationalization are indeed obvious and may almost be taken for granted. The thing to do is to face resolutely the many formidable difficulties. To indicate only a few of them: If the Straits are to be left unfortified, the temptation to Russia or to her adversary to seize them at the outbreak, or mere threat of war, might be irresistible for sound military reasons. Who then is to punish the delinquent? If we go on the principle that we are not going to have any wars in the future, the rules for belligerent vessels proposed by Messrs. Phillipson and Buxton are needless; as it is, one is tempted to ask whether they would apply to submarines. Should these be allowed to choose their position just within the three-mile limit and then dive off in the direction they prefer? There are treaty provisions to insure safe passage through the Suez Canal in time of war as well as of peace, but does any one believe that today the *Goeben* and *Breslau*, if they could dodge out and get to the Canal, would be allowed to sail calmly through it and work their will on English shipping in the East? Or again, granting that other powers do not want to have Russia control the Straits, does the fact that in the midst of revolution she has accepted the principle of internationalization guarantee that a few years hence she will not return to what has been a natural ambition for centuries? Her interest in the Straits is as great as our own in the Panama Canal, and not unlike it, as even the Russian revolutionists have realized. Finally, there is the problem of how to handle the considerable population in and about Constantinople. Self-government would doubtless be the ideal plan, but owing to ages of despotic rule, intense national and religious rivalries and other causes, few people in the world are less prepared for it. Some sort of an international commission will be necessary, a cumbersome thing at the best, and at the worst a hotbed for troubles of all sorts. The Danube Commission, so often cited with praise, has to do with questions of far less complication and difficulty. At Tangiers, where the administration is in the hands of only three foreign powers, things run none too smoothly. Each additional country that has a finger in such a pie tends to make matters worse, and in Constantinople a great many would want to have their fingers in. It may be that these and many other difficulties can be, and will have to be, over-

come, but it is futile to ignore them or to waive them away with fine phrases.

Messrs. Phillipson and Buxton mention with some approval Mr. Toynbee's suggestion that the guardianship of the Straits should be entrusted to the United States as a disinterested power. We may appreciate the compliment without accepting the offer, noting incidentally that the same reasoning would apply to a Russian guardianship of the Panama Canal.

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